

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHACUBE YOUNG,

Plaintiff,

v.

PHILADELPHIA POLICE DEPT., and
PHILADELPHIA COUNTY,

Defendants.

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CIVIL ACTION NO. 19-5340

ORDER

AND NOW, this 25th day of November, 2019, after considering the application to proceed *in forma pauperis* (Doc. No. 1), prisoner trust fund account statement (Doc. No. 2), and the complaint (Doc. No. 3) filed by the *pro se* plaintiff, Shacube Young (“Young”); and, for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 1) is **GRANTED** and the plaintiff has leave to proceed *in forma pauperis*;

2. Shacube Young, # 74921, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The court directs the Warden of Chester County Prison or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Young’s inmate account; or (b) the average monthly balance in Young’s inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this order to the court with a reference to the docket number for this case. In each succeeding month when the amount in Young’s inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the

clerk of court equaling 20% of the preceding month's income credited to Young's inmate account until the fees are paid. Each payment shall refer to the docket number for this case;

3. The clerk of court is **DIRECTED** to **SEND** a copy of this order to the Warden of Chester County Prison;

4. The complaint is **DEEMED** filed;

5. The complaint is **DISMISSED** for the failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). Young's claims against the Philadelphia Police Department are **DISMISSED WITH PREJUDICE** and his claims against the City of Philadelphia (also identified as "Philadelphia County") are **DISMISSED WITHOUT PREJUDICE** to Young filing an amended complaint;

6. Young may file an amended complaint within thirty (30) days of the date of this order. Any amended complaint must identify all defendants in the caption of the amended complaint and shall state the basis for Young's claims against each defendant. The amended complaint shall state the basis for Young's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial complaint to state a claim. When drafting his amended complaint, Young shall be mindful of the court's reasons for dismissing the claims in his initial complaint as explained in the court's memorandum opinion. Upon the filing of an amended complaint, the clerk shall not make service until so ordered by the court;

7. The clerk of court is **DIRECTED** to send Young a blank copy of the court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Young may use this form to file his amended complaint if he chooses to do so; and

8. If Young fails to file an amended complaint in accordance with this order, the court may dismiss his case without further notice for the failure to prosecute.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.